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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,836	04/21/2004	Michael J. Neal	1505800-050745	5314

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EXAMINER

PELHAM, JOSEPH MOORE

ART UNIT PAPER NUMBER

3742

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/828,836

Applicant(s)

NEAL ET AL.

Examiner

Joseph M. Pelham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-20 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6, 8 and 9 is/are rejected.
- 7) ☒ Claim(s) 4, 7 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner. *Informal*  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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***Claim Rejections - 35 USC § 102***

Claims 1, 2, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by US. Pat. 4833299 (US'299).

Referring to Figs. 1-3, col. 2, lines 48-66 (2:48-66), and 3:4-21 especially, US'299 discloses a gas cylinder warmer 10 with first and second layers of fabric envelope 30, and a plurality of heating elements 15', one below the other and each with independent thermostats and hence intended for different temperature settings, and insulation between the heating elements 15' and the second ('outer') layer.

***Claim Rejections - 35 USC § 103***

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over US'299 in view of U.S. Pat. 5197595 (US'595).

The claims differ from US'299 only in reciting a "self-regulating" heater. US'595 discloses, at Fig. 3 and 3:3-14, a self-regulating heater 12 explicitly intended for warming a gas cylinder. It would have been obvious to adapt the self-regulating heater of US'595 to the device of US'299 to avoid the need of temperature control circuitry.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over US'299 in view of U.S. Pat. 6025576 (US'576).

Claim 5 differs from US'299 in reciting an envelope of silicone impregnated cloth. US'576 discloses, at 4:8-12, a cylinder heater utilizing a silicone heater envelope, of which silicone impregnated cloth is a conventional embodiment commended by its structural integrity. It would have been obvious to utilize a silicone impregnated cloth envelope for its durability and good thermal conductivity.

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US'299 in view of either U.S. Pat. 5974820 or U.S. Pat. 5931342.

The claims differ from US'299 only in calling for a top wall portion with an opening for a regulator. Referring to Fig. 1 of US'820, or Fig. 1 of US'342, either one discloses a gas cylinder warmer with a top wall portion with an opening for a regulator. It would have been obvious to adapt the top wall portion of either US'820 or US'342 to the device of US'299 to improve heating efficiency.

***Allowable Subject Matter***

Claims 4, 7, and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 11-20 are allowed.

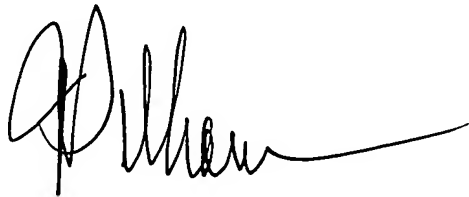
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph M. Pelham whose telephone number is 571-272-4786. The examiner can normally be reached on M-F 7:30 AM to 4:00 PM.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

5/28/05

A handwritten signature in black ink, appearing to read 'J. Pelham', with a long horizontal flourish extending to the right.

**JOSEPH PELHAM  
PRIMARY EXAMINER**